

Amend claim 17 as follows:

B2  
-17. (twice amended) A meat product derivable from a process according to the claim 1, wherein the product is suitable for at least one of human and animal consumption.-

REMARKS

The application has been amended and is believed to be in condition for allowance.

The case was originally filed with claims 1-23, claims 1 and 16 being independent. This amendment amends claims 16 and 17 to recite that the product is suitable for human and/or animal consumption.

The Official Action was a restriction requirement between Group I claims 1-15 and Group II claims 16-23.

The amendments made to claims 16 and 17 are believed to traverse the basis for the restriction requirement. However, in accordance with the requirements of the Official Action, applicants provisionally elect Group II and reserve the right for filing a divisional application to the Group I claims.

According to the Official Action, the claims have been grouped into Group I (claims 1-15) drawn to a process of making a meat product comprising culturing muscle, somite or stem cells; and Group II (claims 16-23), drawn to a meat product comprising in vitro produced animal cells in three-dimensional form.

The Official Action then cites to CHROMIAK et al. as disclosing the product "as claimed" and purports that no special technical feature links the two groups of claims, even though they fall within the same category; that is, category 1, for a product and process specially adapted for the manufacture of that product.

It is true that the claims relate to a product and a process specially adapted for the manufacture of that product.

Claims 16 and 17 have been amended to recite that the meat product is suitable for human and/or animal consumption. The meat product of the thus-amended claims is clearly distinct from the "three-dimensional skeletal muscle organ-like structures" disclosed by CHROMIAK et al., as the muscle cells of the reference are clearly not suitable for human and/or animal consumption.

Therefore, the muscle cells of the reference are only suited for research purposes, as "in vivo-like model" (abstract, line 4) and their growth conditions are only suited for "maintaining" (abstract, line 6) the cells, not for growing or producing cells *in vitro*, as is the case in the instant application. Further, the cells are maintained on antibiotic media, which in itself makes the cells unsuitable for consumption.

Thus, the amended claims of Group I and II are linked by this special technical feature that they both

relate to cells, which are suited for human and/or animal consumption. The claims of Group I are drawn to a process for manufacture of the cells suited for human and/or consumption and the claims of Group II are drawn to the direct and inherent product of said process.

Applicants therefore submit that the claims fulfill the requirement for being drawn to a single invention, and requests the withdrawal of the restriction requirement. That is, requests joining of Group I and Group II into a single group.

Applicant also points out that no objection of non-unity was raised in the European and Japanese corresponding cases. In view of the agreement of 1988 between the European Patent Office, the Japanese Patent Office, and the United States Patent and Trademark Office on harmonization of the unity of invention practices in the three Offices, applicants further believe that the restriction requirement should be withdrawn.

Applicants also ask that the claim to priority be acknowledged in the next Official Action.

Examination on the merits is respectfully requested.

Attached hereto is a marked-up version of the

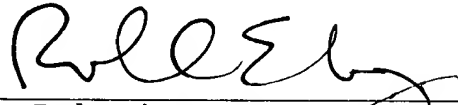
VAN EELEN et al. S.N. 09/581,912

changes made to the claims. The attached page is captioned  
"VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted,

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July 14, 2003

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

IN THE CLAIMS:

Claim 16 was amended as follows:

--16. (amended) A meat product, consisting of in vitro produced animal cells in a three dimensional form i.e. comprising multiple cell layers of animal cells in three dimensions, said meat product being free of fat, tendon, bone and gristle, said cells being selected from muscle cells, stem cells or somite cells, wherein the product is suitable for at least one of human and animal consumption.--

Claim 17 was amended as follows:

--17. (twice amended) A meat product derivable from a process according to the claim 1, wherein the product is suitable for at least one of human and animal consumption.--